

Application No.: 09/986,975

REMARKS

The Examiner has maintained the rejection of independent claims 1 and 2 under 35 U.S.C. § 103 as being unpatentable over Wulf in view of Admitted prior art, Cotton et al. or Thuma '242, '837. The Examiner's rationale for maintaining this rejection is set forth on pages 2-3 of the outstanding Office Action. Specifically, the Examiner broadly interprets blade 114 *by itself* (Figure 9 of Wulf) as having protrusions 122/124 extending only upwardly, arguing that open claim language "comprising" does not prevent the agitator of Wulf from having an additional disk.

In relation to the Examiner's reference to Figure 41 of Applicants' drawings (admitted prior art) as disclosing the claimed blade (*see* page 3, lines 2-6 of outstanding Office Action), it is noted that Figure 41 is directed to a washing apparatus and would not be suggestive of structural changes to the food processor of Wulf. Indeed, as noted in Applicants' previous response, this is one of the structural distinctions that differentiates the food processor art and washing apparatus art. Specifically, Wulf expressly discloses that "blades 132, 134 ... extend *downward* and outward from the ends of the base 130 [so that] blended and processed items are dislodged and forced upward from the bottom of the container" (col. 8, lines 20-30). Wulf therefore suggests that a downwardly extending blade is a fundamental characteristic of a blender to enable proper processing of food, so that Wulf would *teach away* from any proposed modification hinted by the Examiner based on Figure 41 of Applicants' drawings.

Nonetheless, though it is believed that the Examiner has unreasonably interpreted the claims/prior art, in order to expedite prosecution, claims 1 and 2 have been amended to recite "the washing tank includes a cover having a hole for draining wash water in the washing tank" so as to expressly embody a structural feature(s) which is *exclusively* part of a washing apparatus